

Article 2: General Development Regulations

Division 6: Public Facility Regulations

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0601 Purpose of Public Facility Regulations

The purpose of these regulations is to establish when public facilities will be required to be provided by private *development*. The intent of these regulations is to assure that the cost of providing public facilities to serve new *development* is the responsibility of that *development* and that minimum standards for public facilities are maintained to protect the public health, safety, and welfare.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0605 When Public Facility Regulations Apply

This division applies to *development* of private property that requires *public improvements* or the payment of fees for public facilities.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0610 When Public Improvements May Be Required Incidental to a Building Permit

- (a) Except as provided in Section 142.0610(b) and 142.0611, no *structure* shall be erected or enlarged, and no Building Permit shall be issued, for any *lot* unless the *streets* and *alleys* abutting the *premises* have been dedicated and improved along the abutting frontage to the prevailing standards of the City of San Diego. *Street* improvements shall include street trees, curbs, gutters, sidewalks, and half-width paving. *Alley* improvements shall consist of full-width paving.
- (b) Where *public improvements* do not exist or are not to the prevailing standard, a Building Permit may, nevertheless, be issued under any of the following circumstances provided any needed *dedication* has been granted:
 - (1) When a permit for the required *public improvements* has been issued in accordance with the provisions of the Municipal Code, provided, however, that the improvements covered by the permit shall be installed and accepted before the Building Official issues a Certificate of Occupancy for the *structure* permitted under the Building Permit;

- (2) When *public improvements* constructed to less than the prevailing standard exist and the permit issuing authority finds that they are in *substantial conformance* with the requirements of this section; or
- (3) When the permit issuing authority determines that the amount of work associated with the requested Building Permit is of such limited scope that the installation of *public improvements* should be deferred until such time as adjacent *public improvements* are installed.
- (c) When the abutting *public improvements* are to be deferred, no Building Permit shall be issued until the property owner executes a waiver of the right of the property owner, or any successor in interest, to protest a future assessment project for installation of the required *public improvements*. The waiver shall be recorded against the property on which the Building Permit is issued.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0611 Exemptions from Requirement to Provide Public Improvements Incidental to a Building Permit

The following activities are exempt from Section 142.0610:

- (a) The construction of accessory buildings such as residential garages;
- (b) The construction of *accessory structures* such as swimming pools or patio decks;
- (c) The alteration of existing buildings where the proposed improvements have a total value, as estimated by the Building Official, of \$50,000 or less; and
- (d) Neighborhood revitalization projects operated by the San Diego Housing Commission.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0612 When Permits Are Required for Public Facilities

Permits are required for the construction of public facilities as follows:

- (a) A Public Right-of-Way Permit is required for the activities specified in Section 129.0702;
- (b) A Site Development Permit in accordance with Chapter 12, Article 6, Division 5 (Site Development Permit Procedures) is required for any of the following:

- (1) Work involving more than 3,000 feet of *street frontage*; and
- (2) Work for which established standards and regulations do not apply.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0620 When Public Improvements Are Required for Development Permits

The approval of *development permits* shall be conditioned to provide public facilities in accordance with Section 142.0610 and to mitigate any impact the *development* may have on existing public facilities.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0630 When Public Improvements Are Required for Subdivisions

The *subdivider* shall improve *public rights-of-way* and provide public facilities as required in Chapter 14, Article 4 (*Subdivision Regulations*).
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0640 Payment of Facilities Benefit Assessment Fees and Development Impact Fees

- (a) The payment of Facilities Benefit Assessments Fees shall be required before issuance of any Building Permit in accordance with Municipal Code Section 61.2210.
- (b) The payment of Development Impact Fees shall be required before issuance of any Building Permit in areas where the City Council has established Development Impact Fees.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0650 Requirements for Park and Recreational Facilities

The provision of park facilities and the payment of park fees are required in accordance with Municipal Code Chapter 6, Article 3, Division 4 (Development of Park and Recreational Facilities).
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0670 Standards for Public Improvements

- (a) Public *street* improvements shall be constructed in accordance with the provisions of Municipal Code Chapter 6, Article 2 (Public Rights-of-Way and Improvements), adopted Council Policies, and the standards established in the Land Development Manual.

- (b) Streetscape and *street* improvements shall be constructed in accordance with the following:
- (1) For urbanized communities as designated in the Progress Guide and General Plan, the design of sidewalks shall be in *substantial conformance* with the historic design of sidewalks on adjacent properties including location, width, elevation, scoring pattern, texture, color, and material to the extent that the design is approved by the City Engineer, unless an alternative design is approved as part of a use permit or *development permit*. An alternative design also requires an Encroachment Removal Permit.
 - (2) All existing fluted-pole, post-top street light standards shall be maintained or replaced in-kind as redevelopment occurs. Minor variations in design and location are permissible.
 - (3) All private improvements in the *public right-of-way* shall comply with the provisions for *encroachments* in Municipal Code Chapter 6, Article 2, Division 3 (Encroachments), adopted Council Policies, and the standards established in the Land Development Manual.
 - (4) Public *street* improvements shall comply with the regulations in Municipal Code Chapter 6, Article 2 (Public Rights-of-Way and Improvements), adopted Council Policies, and the standards established in the Land Development Manual.
 - (5) Driveways shall comply with the regulations in Chapter 14, Article 2, Division 5 (Parking Regulations).
 - (6) Landscaping within the *public right-of-way* shall comply with the regulations in Chapter 14, Article 2, Division 4 (Landscape Regulations).
- (c) Sewer and wastewater facilities shall be constructed in accordance with the requirements in Municipal Code Chapter 6, Article 4 (Sewers), adopted Council Policies, and the standards established in the Land Development Manual.
- (d) Water distribution and storage facilities shall be constructed in accordance with the requirements in Chapter 6, Article 7 (Water System), adopted Council Policies, and the standards established in the Land Development Manual.

- (e) Drainage facilities shall be constructed in accordance with the requirements in Chapter 14, Article 2 , Division 2 (Drainage Regulations), adopted Council Policies, and the standards established in the Land Development Manual.
- (f) *Street* lights shall be constructed in accordance with the requirements in Chapter 6, Article 2 (Public Rights-of-Way and Improvements), adopted Council Policies, and the standards established in the Land Development Manual.
- (g) Traffic studies prepared by or required by the City of San Diego shall use the procedures and traffic generation rates established in the Land Development Manual.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

